

TABLE OF CONTENTS

<u>Grand Jury Foreman Letter</u>	i
<u>2007-2008 Grand Jury Members' List</u>	ii
<u>2007-2008 Grand Jury Members' Signature Sheet</u>	iii
<u>Grand Jury History and Function</u>	1
<u>Distribution List</u>	3
<u>Information for Respondents</u>	5
<u>Introduction</u>	6
<u>Correctional Facilities</u>	
<u>California Correctional Center</u>	7
<u>Federal Correctional Institution Herlong, CA</u>	11
<u>High Desert State Prison</u>	13
<u>Lassen County Adult Detention Facility</u>	16
<u>Education</u>	
<u>Lassen Community College</u>	18
<u>Westwood Unified School District</u>	21
<u>Lassen County Office of Education</u>	22
<u>Elected and Appointed Boards</u>	23
<u>Lassen County Department of Community Development</u>	25
<u>Lassen County Health and Social Services</u>	
Mental Health	27
<u>Lassen County Juvenile Detention Facility</u>	29
<u>Lassen County Sheriff's Department</u>	
Citizen's Personnel Complaints	33
<u>Special Districts</u>	
<u>Lassen Municipal Utilities District Issue I</u>	36
<u>Lassen Municipal Utilities District Issue II</u>	38
<u>Lassen Municipal Utilities District Issue III</u>	39
<u>Lassen Municipal Utilities District Issue IV</u>	43
<u>Susanville Police Department</u>	44
<u>Video and Audio Recording Devices</u>	47

June 15, 2008

The Honorable Stephen D. Bradbury
Presiding Judge Lassen Superior Court
220 South Lassen Street, Suite 6
Susanville, California 96130

Dear Judge Bradbury:

Please find attached the final report of the Lassen County 2007-2008 Grand Jury. This report represents our best effort to consider the issues placed before the Grand Jury this year, research the facts, and collectively offer our observations and recommendations.

The Grand Jury is pleased to report that many of the local government organizations we looked into are performing their assigned duties in a commendable fashion. Considering that there are chronic shortages of required personnel and budgeted funds with which to perform chartered duties and responsibilities in all government offices, it appears that the ability to set priorities is alive and well throughout the county.

Several individuals in government offices have been specifically identified in this report for commendation because of their leadership, organizational skills, and results. It is easy to identify heads of departments and institutions by name because, after all, their names appear at the top of the organizational chart. It is instructive to note, however, that no organization can be successful without the support of the many employees who come to work each day and do the hard jobs well. Our commendations extend to each of those individuals as well.

Lassen County Jury Commissioner Suzie Faulkner once again comes through for the Grand Jury, as she has done for many years. The friendly support of the Lassen County Administrative Office and the use of facilities at the Lassen County Public Health were also appreciated. Thanks also goes to Lassen County District Attorney Bob Burns and Lassen County Counsel Craig Settemeyer who successfully, I think, kept us from trampling individual Constitutional Rights and inventing new legal procedures as we sought to fulfill our charter.

I am personally proud to have had the opportunity to serve with the other eighteen citizens of Lassen County who comprised this year's Grand Jury. The Grand Jury had no members resign, which is unique. Not only was each member's commitment apparent, but also the maturity, intelligence, and wide experience exhibited by the group ensured that deliberations were lively, thorough, and well thought out.

Finally, Judge Bradbury, I thank you for your support and guidance, as well as the opportunity you gave each of us to participate in government.

Sincerely,

Dave Reger
Foreman

[Back to Top](#)

MEMBERS OF THE 2007-2008 LASSEN COUNTY GRAND JURY

Dave Reger, Foreman

Alex de Martimprey, Forman Pro Tem

Cheryl Gaither, Secretary

Jon Bishop*

Jim Bronson

Jim Brown

Kirk Brown

Julia Cathey

Bob Darden

Mervin Delgado

Renelle English

Gerald Fraticelli

Vickie Hale

Ronald Harrison

Janice Heid

Linda Heyland*

Jack Iba

Lynn Meinert*

Stephen Taylor

*Returning members from 2006-2007

[Back to Top](#)

LASSEN COUNTY GRAND JURY 2007-2008

JURY MEMBERS' DISCLAIMER AND SIGNATURES

The Grand Jury recognizes that a conflict of interest may arise in the course of its investigations. In such instances, the juror may ask to be recused from all aspects of an investigation. Those members may choose not to investigate, attend interviews and deliberations, or assist in the making and acceptance of a final report that may result from an investigation.

Therefore, whenever the perception of a conflict of interest exists on the part of a member of the 2007-2008 Lassen County Grand Jury, that member abstains from any investigation involving such a conflict and from voting on the acceptance or rejection of any related subject. By signing this final report, I approve it even though I may have recused myself from, or voted against, certain individual reports which the required majority approved.

DAVE REGER, Foreman

CHERYL GAITHER, Secretary

JON BISHOP

JIM BRONSON

JIM BROWN

KIRK BROWN

JULIA CATHEY

BOB DARDEN

MERVIN DELGADO

ALEX de MARTIMPREY

RENELLE ENGLISH

GERALD FRATICELLI

VICKIE HALE

RONALD HARRISON

JANICE HEID

LINDA HEYLAND

JACK IBA

LYNN MEINERT

STEPHEN TAYLOR

[Back to Top](#)

GRAND JURY HISTORY AND FUNCTION

The first formal Grand Jury was established in 1635 by the Massachusetts Bay Colony which considered cases of murder, robbery and wife beating. By 1683 Grand Juries in some form were established in all colonies.

By the end of the Colonial period, the Grand Jury had become an indispensable adjunct of government. Grand Juries proposed new laws, protested against abuses in government and wielded tremendous authority in their power to determine who should and should not face trial.

Originally, the Constitution of the United States, written in 1787, made no provision for a Grand Jury. The Fifth Amendment, ratified in 1791, added this protection:

“No person shall be held to answer to a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except for cases arising in the land or naval forces, or in the militia when in actual service in time of War or public danger ...”

Through the adoption of the Fourteenth Amendment in 1868, most of the provisions of the Bill of Rights of the U.S. Constitution have been made applicable to the states. As interpreted by some states, this amendment meant that prosecution of crimes no longer mandated a Grand Jury indictment.

The first California Penal Code contained statutes providing for a Grand Jury. Early Grand Juries investigated local prisons, conducted audits of county books, and pursued matters of community concern. The role of the Grand Jury in California is unique in that pursuant to statutes passed in 1880, the duties include investigation of county government.

The Grand Jury system in California is unusual in that Federal and County Grand Juries in most states are concerned solely with criminal indictments and have no civil responsibilities. Grand Jurors serve for one year and are impaneled in the first week of the fiscal year to coincide with the county's budget year. Up to 10 Grand Jurors may be held over for a second term.

All of California's 58 counties are required to have Grand Juries, and recent changes in Section 904.6 of the Penal Code (1991) permit any county to have a special Grand Jury at the discretion of the Presiding Judge of the Superior Court. The County District Attorney has the option of utilizing special Grand Juries chosen from the regular petit trial jury pool to handle criminal cases and thus ensure indictment by those who present a random cross-section of the community.

The Lassen County Grand Jury is a judicial body of nineteen (19) citizens impaneled to act as a community “watchdog”. Forty-two states have some form of Grand Jury; however, only California and Nevada mandate the impaneling of a Grand Jury each year.

The primary function of a Civil Grand Jury is to oversee all aspects of the legislative and administrative departments that make up county, city and special district governments. The Civil Grand Jury has the power to investigate them to ensure they are efficient, honest, fair, and dedicated to serving the public and individual citizens. The Civil Grand Jury is an arm of the court and has subpoena powers.

By law, Grand Jurors may not disclose the evidence obtained in their investigations or reveal the names of complainants or witnesses. Similarly, witnesses are prohibited from disclosing any proceedings of the Grand Jury.

When investigations are completed, the Grand Jury decides what recommendations should be made to increase efficiency, improve services to the public, and save tax-payer dollars. Departments or agencies may be singled out for special commendation for well-managed operations. As with all investigations, it takes 12 votes to release a report to the public. The results of investigations are collected in a Final Report at the expiration of the Grand Jury's term of office.

The Lassen County Grand Jury Report is distributed to the public and to public officials, the Lassen County Times newspaper, KSUE/KJDX radio station, the Susanville Library and is available in the Jury Commissioner's office at 220 S. Lassen Street, Susanville, California 96130. The telephone number is (530) 251-8109.

[Back to Top](#)

DISTRIBUTION LIST

Lassen County:

Superior Court Judge Stephen D. Bradbury

Superior Court Judge Donald Sokol

Board of Supervisors (5)

Chief Administrative Officer

County Counsel

District Attorney

Planning Commission

Probation Department

Community Development Director

Sheriff

Director of Health and Social Services

City of Susanville:

City Council (5)

City Administrative Officer

Finance Officer

City Attorney

Community Development Department

Susanville Police Department

Education:

Lassen County Office of Education

Lassen Community College Board of Trustees (7)

President of Lassen Community College

Westwood Unified School District

Corrections Facilities:

California Correctional Center

Federal Correctional Institution, Herlong

High Desert State Prison

Other:

Westwood Chamber of Commerce

State of California Attorney General's Office

Lassen County Times Newspaper

KSUE/KJDX Radio Station

Susanville District Library

2007-2008 Grand Jurors

California Grand Jurors' Association

Lassen Municipal Utilities District General Manager

Lassen Municipal Utilities District Board (5)

[Back to Top](#)

INFORMATION FOR RESPONDENTS

Effective January 1, 1987, there was an extensive change in the law affecting respondents to Grand Jury findings and recommendation. The requirements are contained in the California Penal Code § 933.05, and summarized as follows:

How to Respond to Findings:

The responding person or entity must, within ninety (90) days, respond in one of two ways:

1. That you agree with the finding(s).
2. That you disagree wholly or partially with the finding(s), in which case the response shall specify the portion of the finding(s) that is disputed, and shall include an explanation of the reasons for the disagreement.

How to Report Action in Response to Recommendations:

Recommendations by the Grand Jury require action. The responding person or entity must, within ninety (90) days, report action on all recommendations in one of four ways:

1. The recommendation has been implemented and provides a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a specified time outlined for implementation.
3. The recommendation requires further analysis. If a person or entity reports that further analysis is required, the law requires a detailed explanation of the analysis or study and the time frame, not to exceed six months. In this event, the analysis or study must be submitted to the officer, director or governing body of the entity responding.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, and provide an explanation of the reason.

Budgetary and Personnel Recommendations:

If either a finding or recommendation deals with a budgetary matter or matters concerning a Lassen County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests. However, the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has authority to make decisions.

The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.

[Back to Top](#)

INTRODUCTION

The 2007-2008 Lassen County Grand Jury received a variety of complaints from concerned citizens throughout Lassen County. The complaints were very diverse in nature, creating an excellent opportunity for the Grand Jury to receive education on the operations of various City and County Departments.

The Lassen County Grand Jury received 17 written complaints, several verbal complaints, and conducted numerous interviews with complainants, witnesses, and city and county officials. Be advised that the information received from complainants by the Grand Jury was not specifically discussed with any county or city department head.

These activities, along with reviewing an extensive amount of information, have resulted in the 2007-2008 Grand Jury Report.

[Back to Top](#)

CALIFORNIA CORRECTIONAL CENTER

Reason for Inquiry: California Penal Code § 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county.”

Inquiry Procedures: The Lassen County Grand Jury toured the California Correctional Center on February 5, 2008. The Grand Jury spent over an hour with Chief Deputy Warden Ron Barnes, Administrative Assistant Scott Porter, and Associate Warden B. Busser. The Grand Jury toured the Main Gym Housing, the Medical Department, the Firehouse, and Antelope Camp.

Background: Opened in 1963, the California Correctional Center’s (CCC) primary mission within the California Department of Corrections and Rehabilitation (CDCR) is to receive, house and train minimum custody inmates for placement into Northern California conservation camps. CCC currently maintains 19 camps, located throughout Northern California, to work with the California Department of Forestry and Fire Protection in fire-suppression activities. The secondary mission is to provide meaningful work assignments for the support of the institution, as well as educational and training opportunities for inmates, including those who do not qualify for the camp program. A multi-level educational program provides students with courses leading to a General Education Degree (GED), vocational training, or a high school diploma. College classes are also offered that can lead to a college degree.

CCC expanded in 1987 with construction of the Lassen Unit, specifically to house Level III (medium custody) inmates in a cell configuration. Lassen Unit has an electric fence for security.

Findings: Overall Assessment:

As of fiscal year 2007/2008 the following statistics apply:

Number of Custody staff:	707
Number of Non-Custody staff:	379
Number of Medical staff:	<u>139</u>
Total number of staff:	1,225

Designated Bed Space and Count:

Facility Level	Design Capacity	Count
I (Cascade/Arnold Unit)	886	1,535
II (Sierra/Main Gym)	608	1,519
III (Lassen Unit)	500	912
Camps	<u>1708</u>	<u>1,988</u>
Total Inmate Population:	3,702	5,954

Staffing: Due to the success of the first local academy, recruitment efforts were started in October 2006 for a second Susanville academy. The goal was to start another academy in May 2007; however, the academy is currently on hold. Based on the figures from the 2006-2007 Grand Jury reports for staffing, CCC has a decrease in Correctional Officers by a total of 76 in the 2007/2008 fiscal year. Staffing for Support Services (Non-Custody) staff has increased by a total of 41 in the 2007/2008 fiscal year.

As of January 2008, the CCC had 31 Correctional Officer vacancies, including those who are out on long-term sick. The Distance Learning Satellite Academy and Local Academy have been put on hold due to budget constraints.

Facility: During the 2007/2008 fiscal year, the CCC was directed to close the Lassen Gym Housing Unit. Currently, there is no plan in the foreseeable future to reopen the Lassen Gym. In June 2008, the Main Gym will be closing.

The CCC began the land acquisition phase of 645 additional acres to expand the alfalfa spray fields in July of 2005. The property transfer was completed in August of 2006 and the Environmental Impact Report was filed with the Lahonton Water Board in February of 2007. The additional sewer and sludge ponds construction will be completed as per all requirements of the Cease and Desist Order by December 2009.

Medical Services: Currently under the Federal Receivership, the CDCR Health Care Services Division (HCSD) has worked diligently to incorporate new policies and procedures regarding Access to Care for inmates. The mission of the HCSD of the CDCR is to manage and deliver health care statewide to the inmate-patient population consistent with adopted standards for quality and scope of services within a custodial environment.

In the 2007/2008 fiscal year, the CCC Medical Department has worked diligently to recruit and fill the many vacancies created by the addition of new positions distributed by the Federal Receiver. Along with medical professionals, the CCC received staffing for a Correctional Lieutenant, Correctional Sergeant, and various Correctional Officers to provide custody support for the medical department. Staff vacancies are very low compared to other institutions. Recruitment has been difficult for the Mental Health positions.

The CCC Medical Department has a Medical Emergency Response Team (MERT). The role of MERT during all incidents is to bring the incident to a safe, effective, and economical conclusion. The MERT team provides emergency medical services to inmates who are fighting fires, controlling floods, or any situation where health care services are not provided.

Since the mission of CCC is to assign inmates to Camp, the CCC medical department has established a Camp Pipeline Team to help expedite the process. The Camp Pipeline has a dedicated team of custody and medical professionals fully devoted to timely medical care and follow-up for camp qualified inmates.

Recently, the Federal Receivership has changed and medical staff is anticipating the changes that will occur under the new Federal Receiver.

The Lassen County Grand Jury did not receive any complaints from CCC inmates regarding their medical treatment, or lack of medical treatment. With all the changes within the Health Care Services Division, created by the Federal Receivership, the Health Care staff at CCC should be complemented for their efforts regarding Access to Care.

Programs: The CDCR established an Out-of-State Correctional Facility Program (COCF) that would help to alleviate the overcrowding in California Prisons. In 2007/2008 the CCC transferred approximately 101 inmates out-of-state. Out of the 101 inmate transfers, 30 were volunteers and 71 were involuntary. The goal is to transfer 8,000 inmates out-of-state, department wide.

In June 2007, the CCC received five homeless dogs from the Lassen County Animal Shelter, beginning a new program called "Pups on Parole". The "Pups on Parole" program is a co-operative effort between the Lassen Humane Society, the California Correctional Center, and the Lassen County Animal Shelter. The Firehouse at the CCC was chosen to facilitate and monitor this program. There are 17 inmate fire fighters housed at the Fire Department and each dog is assigned a primary trainer and a secondary handler. The skills they learn from their

trainer/handlers at CCC enhance their adoptability. The Lassen Humane Society absorbs all the costs incurred by the “Pups on Parole” program. The dogs are spayed or neutered, provided all their vaccinations, and are micro-chipped prior to their arrival at CCC. As of February 5, 2008, 17 dogs have gone from homeless to being adopted into loving homes. Fire Chief Bill Collins shared with the Grand Jury that during the short time that the dogs have been at the Firehouse, their effect on the environment has been noticeable. The exchange between dogs and trainers has provided a much needed outlet.

The CCC holds Self-help Groups for inmates. In 2007, the Self-Help Group attendance was as follows:

AA Meetings:	618
NA Meetings:	318
Veterans, Parenting, etc.:	316
Religious, etc.:	2,857

In 2007, there were 2,150 Academic students, 1,095 Vocational students, 459 College students, and 1,433 Physical Fitness Training Program (PFT) Graduates. The PFT must be completed prior to inmates arriving at Camp. The CCC had 163 inmates who received their GED or High School Diplomas.

Commendations: The Lassen County Grand Jury would like to commend Warden Prosper, the Lassen Humane Society, and the Lassen County Animal Shelter for working collaboratively to provide an opportunity for the community to adopt well trained dogs, while at the same time, providing an alternate means for safety and security among inmates and staff.

The Lassen County Grand Jury would also like to commend Warden Prosper and her staff for contributing to the needs of our local community through their generous donations. Many of the non-profit organizations in Susanville could not thrive without their generosity.

Recommendations: Since the water problem is an ongoing issue with compliance dates extending to December 31, 2009, it is our recommendation that future Grand Juries follow-up on this subject.

Response Required: No.

[Back to Top](#)

FEDERAL CORRECTIONAL INSTITUTION
HERLONG

Reason for inquiry: California Penal Code § 919(b) mandates that the Grand Jury “inquire into the condition and management of all detention facilities within their county.”

Background: The Federal Correctional Institution (FCI) Herlong, situated on 600 acres, is located in the high desert of Northern California, 46 miles northwest of Reno, Nevada and 41 miles southeast of Susanville, California.

The FCI is a medium security institution housing male inmates. Inmates live in cell-type housing and all inmates are required to work at the institution in a wide variety of work programs. Since the opening of the FCI in 2005, the inmate population has grown to 1100 with a capacity reaching approximately 1500 inmates. Staff capacity has grown to 120 employees with 53 current vacancies. Recruitment is on going.

The 2007–2008 Lassen County Grand Jury toured the FCI on May 6, 2008.

Findings: The Lassen County Grand Jury was very impressed with the operations of the FCI. Staff members were very cooperative and friendly. It was evident in their demeanor that they are satisfied in their work. The Grand Jury walked the yards amongst the inmates to observe the relationship between staff and inmates. The atmosphere was very comfortable and the inmates and staff had open communication. Since there are no gun towers, it is critical that the staff and inmates communicate effectively. This contributes greatly to the safety of the institution.

The FCI offers a wide range of vocational instruction for the inmates, including welding, sheet metal, mechanics, etc. The FCI provides services to the Herlong Army Depot by restoring their vehicles and equipment.

Educational classes, such as computer classes, high school diplomas, and college-approved classes through Lassen Community College are available. Outdoor sports and indoor basketball are available to all inmates.

The FCI provides 3 meals a day, which are prepared on the premises in stainless steel kitchens. The menu selection for any particular day is served throughout the entire federal prison system at a cost of \$2.30 per inmate.

To enhance their recruitment, applicants are offered a sign-on bonus plus three years of cost of living increases. The Warden believes that the wages for federal employees are comparable to those for state employees.

The FCI contributes to the economy of Lassen County as most of those who are employed, live in Lassen County.

Recommendation: None.

Response Required: No.

[Back to Top](#)

HIGH DESERT STATE PRISON

Reason for Inquiry: California Penal Code § 919(b) mandates that the Grand Jury “inquire into the conditions and management of all detention facilities within their county.”

The 2007-2008 Lassen County Grand Jury received four complaints from inmates incarcerated at High Desert State Prison (HDSP).

Background: HDSP opened in 1995 and is located on 325 acres, adjacent to the California Correctional Center (CCC), seven miles northeast of Susanville. The primary mission of HDSP is to provide a secure environment for high security risk (Level IV) and high-medium security risk (Level III) inmates. The minimum support facility (MSF) and the reception center (RC) were originally designed to house 200 inmates. Additionally, the HDSP houses 1120 sensitive needs yard inmates. The HDSP is designed to house inmates with disabilities who require specialized placement to accommodate accessibility issues.

HDSP provides educational programs and work assignments for inmates.

There is a Correctional Treatment Center (CTC) to provide for Health Care.

The 2007/2008 Lassen County Grand Jury toured HDSP on February 26, 2008.

Findings: Overall Assessment for High Desert State Prison

As of fiscal year 2007/2008 the following statistics apply:

Number of Custody staff:	967
Number of Support Services staff:	<u>377</u>
Total number of staff:	1,344

Designated Bed Space and Count:

Facility Level	Design Capacity	Count
I	350	317
II	120	119
III	500	507
IV	2,653	2,271
Reception Center	570	572
ASU	<u>343</u>	<u>458</u>
Total	4,536	4,244

Staffing: Due to the success of the first local academy, recruitment efforts were begun in October 2006 for a second Susanville academy. The goal was to begin another local academy in May 2007; however, the academy is currently on hold. HDSP has hired 137 new Correctional Officers in the 2007/2008 fiscal year. Currently, staffing for Support Services staff has a vacancy rate of 11 percent.

Facilities: During our tour of HDSP, the Lassen County Grand Jury visited the MSF. There are currently 350 inmates housed in this unit. Inmates in the MSF are provided with Canteen, Medical Services, Hobby Craft, Education, Religious Services, Laundry Services, and Visiting. The minimum-security inmates are permitted to work and can hold jobs in the warehouse, administration building, kitchen, laundry, canteen, and the maintenance department.

In “Z” Unit, HDSP provides a Law Library for inmate use. The “Z” Unit is a 200-bed facility, which currently houses 144 inmates. “Z” Unit is the new Administrative Segregation Unit. This unit is a unique design of six pods. Walk alone cells are available for inmate use. There is a Registered Nurse available in the program services area, as well as committee rooms for Classification Committees. The Grand Jury was allowed to visit the control booth in “Z” Unit. The control booth extends across the entire building.

At Facility “D” we found that the inmates were on lockdown, due to metal missing from a scullery machine. Inmate movement was controlled except for escorts. All programs were suspended for searching. This did not prevent us from touring the building. The Facility “D” Unit is a 180 degree design, which allows the control booth correctional officer clear visibility from the control booth. This facility maintains the integrity of the safety and security of the institution.

The Lassen County Grand Jury received an update regarding the Waste Water Discharge Statistics at HDSP. Last year the HDSP was directed by the California Regional Water Quality Control Board to conserve water. The HDSP started with a permitted rate of 1.4 million gallons per day (gpd) and was discharging at 1.7 million gpd. To date, HDSP has a permitted rate of 1.5 million gpd and is discharging at 1.2 million gpd.

Medical Services: The Lassen County Grand Jury walked through the Correctional Treatment Center (CTC). HDSP operates a 32 bed licensed Correctional Treatment Center (CTC) which provides sub-acute medical services, emergency dental services, and mental health crisis bed level of care. The CTC has a fully equipped and staffed Emergency Room. There are Health Clinics located in each of the five facilities (Facility A, B, C, D, and E). Each health clinic is staffed with a Physician, a Registered Nurse and a Licensed Vocational Nurse. HDSP also provides Dental and Mental Health Services.

Currently under the Federal Receivership, the CDCR Health Care Services Division has worked diligently to incorporate new policies and procedures regarding Access to Care for inmates. The

mission of the Health Care Services Division (HCSD) of the CDCR is to manage and deliver health care statewide to the inmate-patient population consistent with adopted standards for quality and scope of services within a custodial environment.

The Lassen County Grand Jury did not receive any complaints from HDSP inmates regarding their medical treatment, or lack of medical treatment. With all the changes within the HCSD, created by the Federal Receivership, the health care staff at HDSP should be complemented for their efforts regarding Access to Care.

Community Activities: It is important to note the efforts made by HDSP employees that contribute to the needs of our local community. Fundraising is a large part of HDSP. Warden Felker directs the annual Holiday Food Basket Program at HDSP. The funds raised through this program go to the clients of the Far Northern Regional Center in Susanville and provides Christmas presents to families and children staying in the domestic violence shelter in Susanville. For the last four years, HDSP employees have donated funds and approximately 150 holiday food baskets have been delivered each year to the clients of the Far Northern Regional Center.

The American Cancer Society sponsors a “Daffodils Days” where HDSP employees are offered an opportunity to purchase Daffodils to raise money for cancer treatment and research, as well as for promoting education and awareness. This is a popular program according to the information that has been received and employees continue to donate over a thousand dollars a year.

Inmate Activity Groups may be permitted to hold up to three fundraising campaigns per year. Sponsors are provided to facilitate and monitor the process. The Lassen County Grand Jury did not receive any information regarding the amount of money donated by HDSP inmates; therefore, we cannot address that issue.

Commendations: The Lassen County Grand Jury would like to commend Warden Felker and his staff for contributing to the needs of our local community through their generous donations. Many of the non-profit organizations in Susanville could not thrive without their generosity.

Recommendations: We recommend that future Grand Juries continue to monitor all water and/or hazard related issues.

Response Required: No.

[Back to Top](#)

LASSEN COUNTY ADULT DETENTION FACILITY

Reason for Inquiry: California Penal Code § 919(b) mandates that the Grand Jury “inquire into the condition and management of all detention facilities within their county.”

Inquiry Procedures: The Grand Jury toured the Lassen County Adult Detention Facility (LCADF). We were given a presentation on the Detention Facility by Commander John Mineau and staff.

Background: The LCADF is located on Chestnut Street in Susanville next to the Lassen County Juvenile Detention Facility and the Sheriff’s Office. The current facility was built in 1991 to house both county and state inmates. State inmates must have less than eighteen months to serve in order to be placed in the LCADF. The LCADF can house a total of 156 inmates. The State of California contributes financially for the cost of housing the state inmates at the LCADF.

Facility: The Jury was given a presentation by Commander John Mineau who introduced his staff, giving a brief outline of their general duties. It appeared that staff members had a good understanding of their assignments and that a good working relationship existed among them.

At the time of the Grand Jury’s visit the number of inmates was below capacity.

The kitchen was clean and well organized. The culinary staff is assisted by 18 inmates per shift, two shifts each day. The kitchen provides three thousand meals per year.

A new video camera system was purchased and is being used within the LCADF, providing a valuable tool for verifying incidents and security issues.

The LCADF operates a motor pool program on site for county vehicles. A crew of approximately 6-12 inmates maintains a fleet of approximately 170 county vehicles.

Staffing: The LCADF has a staff of 60. Recruitment, hiring, and retention of staff are major concerns at the LCADF. The recruitment process takes approximately eighteen weeks. Salaries and benefits continue to be low in comparison to those of similar positions in other counties and especially low compared to local California State Prisons. Training of staff is conducted according to the California Inspector General’s Standards of Training. The LCADF has eliminated costs of out-of-county training for staff by using current qualified staff to provide the required training and by utilizing other resources within the county such as Lassen Community College.

Each staff member receives 176 hours of core training at a cost of approximately \$1400 per staff member. Current staff receives no less than 24 hours of ongoing training each year.

Programs: The Sheriff’s Work Alternative Program (SWAP) is offered to some inmates. In this program inmates work at the dump, fire department, and perform community services during their incarceration. Inmates provide thousands of hours of service to the community through this program at no direct cost to the community.

A work furlough program is available. This program allows an inmate to work at his or her outside job during the day and sleep at the LCADF at night and weekends. The inmate must pay a portion of his or her wages as a fee for this privilege. The LCADF retains the fees. This program is not regularly used by the LCADF.

An educational furlough program in which an inmate continues to attend Lassen Community College during his or her incarceration is possible; however, it is rarely used because of potential abuses by inmates.

The LCADF participates in the Correctional Learning Network through which inmates may gain educational credits through DVDs and workbooks. Currently twenty-two inmates participate in this program.

The LCADF also conducts pre-release classes for inmates.

Recommendations: It appears that the work and educational furlough programs would benefit the inmates, the LCADF, and the community. The Grand Jury suggests that the LCADF expand these programs.

Response Required: No.

[Back to Top](#)

LASSEN COMMUNITY COLLEGE

Reason for Inquiry: On going public interest.

Inquiry Procedures: The Grand Jury interviewed Superintendent/President Dr. Douglas B. Houston and Chancellor's Office Special Trustee Thomas Henry.

Background: The history of the college has long been problematic and the college remains in a sanctioned status.

The college was placed on probation status in June 1996. At that time, work groups at the college were formed. As a result of the progress made by these work groups the Accreditation Commission for Community and Junior Colleges (ACCJC) removed the probationary status and

placed the college on a warning status in June 1997. The college continued to make progress and the warning status was lifted in June 1999.

Between June 1999 and the comprehensive study site visit of spring 2002, the college replaced the Chief Executive Officer and all senior administrators. After the comprehensive study site visit in 2002, the ACCJC reaffirmed the accreditation of Lassen Community College (LCC), and requested the college complete a progress report in March 2004. The ACCJC accepted the progress report in June 2004, requesting a focused mid-term report in June 2005 and a progress report be submitted by March 2006 documenting the progress on two of the original three recommendations identified in 2002 site visit.

The ACCJC then took action in June 2006, placing the college on warning status and required a special visit to occur in July 2006. Upon the June 2006 special visit it was stated, "The team was gravely concerned with the general state of governance at the college and with the readily apparent power struggle that is going on between a group of faculty, staff, and mid-level management and the Board and the Superintendent, and other members of the college faculty and staff." The team further stated, "The College is in a state of crisis and this conflict is at the heart of it." Reacting to continuing problems at the College, the ACCJC placed Lassen College on probation in January 2007, and scheduled a May 2007 on-site review of Lassen College to determine whether or not the college would continue to exist.

A letter from the ACCJC identified a major concern, "that the institution appears to be pursuing a course of action that will place it in non-compliance with Eligibility Requirements."

In the summer of 2006, the 2005-2006 Lassen County Grand Jury submitted its report to the presiding Lassen County Superior Court Judge Stephen Bradbury with statements of potentially actionable issues. Lassen County District Attorney Robert Burns forwarded a number of these concerns to the State Attorney General's Office for review. The office of the State Attorney General responded in April indicating that while there were no actionable legal issues, there was indeed "gross mismanagement" attributable to the leadership of the Superintendent/President and the College Board of Trustees.

In August 2006, the ACCJC forwarded twenty-one specific recommendations provided by the special visiting team and requested a progress report by November 15, 2006.

In January 2007, the ACCJC took action to accept the progress report, placed the college on probation status and requested a progress report by March 15, 2007, concerning seventeen remaining recommendations. A special visit occurred on May 3, 2007.

In June 2007, the ACCJC accepted the progress report, special visit report, and took action to continue the college on probation status and requested a progress report by October 15, 2007, addressing the remaining ten of the original twenty-one recommendations. The progress report was followed by an ACCJC evaluation team visit in November 2007.

Currently LCC has a new Superintendent/President. Dr. Douglas Houston was hired August 14, 2007 through June 30, 2008 as Interim Superintendent/President. At a regular scheduled LCC Board meeting on November 13, 2007, the Board voted unanimously to authorize the Special Trustee to request from the Board of Governors (BOG) a waiver of Title 5, § 53201, requiring an

open comprehensive search for a Superintendent/President. At its January meeting, the BOG approved the request. The BOG ruled that an open and full recruitment at this time could jeopardize the fiscal stability of the district or its ability to satisfy the conditions for removal from the ACCJC probation. On February 12, 2008, the LCC Board of Trustees unanimously ratified a three-year employment contract and appointed Dr. Houston Superintendent/President of Lassen Community College.

On January 31, 2008, the Lassen Community College District received a letter from the ACCJC stating that they took action to accept the LCC's progress report and identified seven remaining recommendations. The ACCJC also acted to continue Lassen College on probation.

In March 2008 the ACCJC conducted a comprehensive assessment of the LCC. The results of that assessment were notably positive. The ACCJC commended LCC on its response to the Chancellor's office, the appearance of the campus, and the atmosphere of student trust.

These results were directly attributed to the efforts of President Dr. Douglas B. Houston and Special Trustee Mr. Thomas Henry.

LCC is required to complete a Progress Report by October 15, 2008. Lassen Community College District was notified that they must correct stated deficiencies by January 2009. It appears that if the College, Board of Trustees, Administration, Facility and Student Body all continue to put forth a cooperative effort, a successful completion of all mandates will be met.

The report submitted to the Board of Supervisors indicated that the College failed to meet its student enrollment expectations for spring 2008 resulting in a financial shortfall exceeding those previously expected. This will put further strains on the repayment schedule to the Chancellor's office. It was further revealed that in past years, prior to the administration of Dr. Houston and his administration, that there was a financial problem indicating that several of the institution's facilities were owed monies. Attempts to recover these monies are already underway.

Findings: The Grand Jury finds it admirable that such a dramatic improvement has occurred in such a short period of time. Additionally, it appears probable that Lassen Community College will return to full accreditation status.

Commendations:

1. Dr. Douglas B. Houston and Special Trustee Mr. Thomas Henry for their diligent work under very difficult conditions.
2. The Board of Trustees for their renewed leadership.
3. The Classified Staff for their efforts to provide educational opportunities for the students. Furthermore, we wish to recognize their positive contribution to the new direction of LCC and for their effective operation of outreach and correspondence programs in an effort to maintain and expand the college's enrollment levels.

4. The faculty for working in harmony with Administration, thus creating a new and cooperative environment conducive to the successful operation of LCC.
5. The Academic Senate, and the various college departments and individual staff members who worked on student learning objectives and long-range planning to ensure the survival and improvement of the college.
6. The management team for addressing the pressing fiscal issues facing the College.
7. The consultants employed by the District for their understanding of the problems facing the College and their advice.

Recommendations: The Board of Trustees, Administration, and the Staff must continue to work together in order to fulfill the requirements and recommendations of the Accreditation Commission for Community and Junior Colleges.

Response Required: No.

[Back to Top](#)

WESTWOOD UNIFIED SCHOOL DISTRICT

Reason for Inquiry: Public interest.

Inquiry Procedures: On May 1, 2008 the Grand Jury interviewed Mr. Henry Beitz, Superintendent of the Westwood Unified School District.

Background: The Westwood Unified School District includes Fletcher Walker Elementary School, Horizon High School, Westwood High School, Red River Community Day School, and the Westwood Community Day School. Westwood Unified School District is the authorizing agency for Westwood Charter School.

Findings: The Westwood Unified School District, like all school districts in Lassen County, is extremely stressed by budget limitations.

The Grand Jury was impressed by the attitude and commitment of Mr. Beitz. Under great pressure from funding constraints, Mr. Beitz is often forced to make unpopular decisions to ensure the Westwood School District continues to function. He is considering such novel cost

cutting measures as “Digital Video” based classes in Mathematics and Language Arts in order to offset the high cost of text books.

Of particular attention were the outdated Mathematics textbooks. Mr. Beitz stated that the cause of this was that state of California has finally approved the new textbooks and Westwood has eighteen months to make the change to the new curriculum. There appears to be no difficulties in meeting this goal.

Commendations: A well deserved congratulation to Mr. Beitz for having been selected as “Principal of the year” at the Region One North State Conference held in Reno, NV on April 26, 2008. This well deserved award is indicative of the dedication by Mr. Bietz for his years of service. Under a very constrained budget, Mr. Beitz has, nonetheless, managed to keep the district functioning. Through personal efforts, Mr. Beitz has continued to lead the district through these financially difficult times.

Recommendations: Westwood School District should continue to work with the Lassen County Board of Education and investigate the possibilities of consolidation with other school districts in Lassen County.

Response Required: No.

[Back to Top](#)

LASSEN COUNTY OFFICE OF EDUCATION

Reason for Inquiry: Public interest.

Inquiry Procedures: The Grand Jury interviewed Lassen County Superintendent of Schools Mr. Bob Owens on April 17, 2008.

Findings: The Lassen County Board of Education is extremely stressed by budget limitations. Mr. Owens is well aware of the limitations imposed by the current budget shortfalls and is taking appropriate measures to ensure the district is proceeding as best it can under this period of financial stress.

Commendations: Mr. Owens is to be commended for his performance. His grasp of the current budget crises and his positive attitude is exemplary. His open and honest appraisal of Lassen County is greatly appreciated. Mr. Owens will be sorely missed upon his retirement and we extend our most respected and highly deserved “well done.”

Recommendations: Districts should thoroughly investigate the possibilities of consolidation. With decreasing funding and increasing administrative costs only our children are paying the price of duplicative administrative positions.

Response Required: No.

[Back to Top](#)

ELECTED AND APPOINTED BOARDS

Reason for Inquiry: Public Interest.

Inquiry Procedures: The Lassen County Grand Jury examined the functioning of several boards this year, either in the course of investigating current complaints or following up on recommendation of the previous Grand Jury.

Background: Several instances in the recent past have surfaced in Lassen County where elected boards have incurred the displeasure of the public over a perceived failure to act as impartial overseers of various government organizational activities requiring board oversight. In addition to investigating specific issues, the Grand Jury attempted to determine which general characteristics of boards produced perceptions of a well functioning board, or which characteristics resulted in public discontent.

Findings: The Grand Jury noted that the various boards appointed by either the Susanville City Council or the Lassen County Board of Supervisors do not generally become embroiled in controversy. Three contributing factors are thought to be responsible:

1. The appointed board makes recommendations to the elected governing organization that appointed them, and the elected board or council bears responsibility for either accepting or rejecting said recommendations.
2. Appointed boards are not responsible for allocating the expenditure of public funds.
3. Appointed boards do not make personnel decisions which impact various government agency employees.

The functions listed above for which appointed boards bear no responsibility are exactly functions that are included in the duties of an elected board. The public elects boards to carry out these and other government functions. We strive to elect honest, intelligent, respected, motivated individuals to govern on our behalf and retain the ability to replace those individuals if they do not measure up to our expectations.

Elected boards deal with the allocation of scarce resources on a routine basis. There are always competing needs and never enough resources to fully satisfy the desires of all entities competing for those resources. Decisions regarding the allocation of resources generally result in those receiving the resources being satisfied and conversely, those denied resources being dissatisfied.

Elected boards make decisions which impact the government workforce. Decisions which do not fully satisfy the desires of the workforce generally result in some level of discontent on the part of the workforce. Elected boards make decisions concerning the direction or path that the entity they govern will pursue. Such decisions generally generate supporters and dissenters both in the workforce and in the public.

Boards which are elected to oversee the various functions of government routinely hire an individual who manages day to day operations. This administrative officer is hired because of his or her qualifications and experience in the government arena which they will operate. It is generally the responsibility of the administrative officer to turn board direction into actual execution. It is an administrative officer's duty to give timely and accurate advice and information to the elected board so the board can vote to make the best decisions.

During the course of examining the functions of several elected boards this year, the Grand Jury noted several characteristics which were present in all of the best functioning boards. They include:

1. The presence of board members who, through education and experience, understood both the desired function of the government entity which they were elected to oversee and the role they are expected to play in that function.
2. The presence of an administrative officer, who understands his or her role in overseeing the daily functioning of the government agency, recognizes decisions that are the responsibility of the board, and who works to schedule training for members of the board so that they can make informed decisions.
3. The presence of board members who make decisions which result in public and employee perceptions that their decision was fair and based on the best interests of the majority, even if every group does not get the exact result they desired.
4. Boards whose decisions foster the perception of being good managers of the people's money. This includes the avoidance of allowing the expenditure of public funds for items considered to be frivolous by the average citizen.
5. Board decisions which scrupulously avoid even the possible question of a personal conflict of interest on the part of any member of the board or management personnel employed by the government entity.

These characteristics are by no means all inclusive. The elected and appointed boards in Lassen County that failed to follow the guidelines listed above are the ones who have had the most difficulty with both their employees and the public those agencies serve.

Recommendations: That the members of each elected board in Lassen County examine the functioning of their particular board to determine whether or not the characteristics enumerated above are characteristic of their board.

Response Required: No.

[Back to Top](#)

LASSEN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Reason for Inquiry: Public interest.

Inquiry Procedure: The Grand Jury interviewed Senior Development Director Conrad Montgomery, Building Division Manager Steve Fuller, and visited the Building Division Office.

Background: This department is funded by public funds and permit fees. This department operates under the constant constraint of marginally adequate funding. This department, which includes Building, Economic Development/Housing, and Planning was last reviewed by the 1997-1998 Grand Jury. The department supervises and administers a multitude of programs. The present head of Lassen County Department of Community Development, Mr. Conrad Montgomery, was recently appointed.

Findings: There is a lack of consistency between building inspectors in Lassen County.

This Department has no formal written complaint process to appeal an inspector's decision or resolve a difference between conflicting directives. To resolve a conflict, construction must be halted while a contractor, owner/builder, or the architect contacts the building department to resolve the issue.

Two Grand Jury members recently visited the building department office and were treated courteously and professionally. It was discovered that complaint forms are readily available for zoning complaints, but there are no complaint forms for other functions. In fact, there appears to be no policy or procedure by which to appeal an inspector's decision.

The planning department's website does not provide sufficient information to give the public a clear understanding of the programs that are available to them. Additionally, it seems there are no available planning guidelines or consistent standards by which to evaluate any existing or future proposals.

The Economic Development Strategy Plan (EDSP) is the only strategic plan available and is not readily usable by the public. Additionally, it is not readily available for use on a daily basis by all county employees as a decision making tool. As a result, Lassen County's future development is affected by reactive decision making instead of proactive planning.

Recommendations: 1. This Department should restructure the website listings into a more descriptive presentation that will encourage interested parties to make contact, participate, and benefit. Additionally, literature should be readily available to the public.

2. Adjust hours to be open during the lunch hour.

3. Develop a formalized complaint procedure readily available to the public that includes all areas of responsibility of the Department of Community Development. Further, develop a complaint review process through an independent committee.

4. The Lassen County Department of Community Development continue to develop a Vision and Mission statement for the future of Lassen County.

Response Required: Yes.

[Back to Top](#)

LASSEN COUNTY HEALTH AND SOCIAL SERVICES **MENTAL HEALTH**

Reason for Inquiry: (1) Public Interest. (2) Review policies and procedures of Lassen County Mental Health (LCMH) as it pertains to the Lassen County Detention Center.

Inquiry Procedures: The Grand Jury met with Kevin Mannel, Deputy County Administrative Officer, and Ken Crandall, Mental Health Director. Both gave a detailed overview of the functions of Lassen County Mental Health.

Background: Deputy County Administrative Officer Kevin Mannel oversees nine departments within the Lassen County Health and Social Services, which include Alcohol and Drug, Mental Health, Family and Children Protective Services, Public Guardian, Patient Rights, Public Environmental Health, Veterans' Services, Community Social Services & Lassen W.O.R.K.S. and Lassen Career Network.

Findings: The Lassen County Health and Social Services employs approximately 160 employees with a budget of \$27 million. The primary funding comes from State funds. LCMH is under contract to provide mental health services to MediCal eligible recipients. LCMH has been allocated \$497,000 through the Mental Health Services Act, which was enacted by Proposition 63 and provides for a one percent tax on income over one million dollars.

LCMH has an operating budget of \$4.5 million. These funds are used to provide mental health services to the outlying areas of Lassen County, which include services to youth in our schools and Juvenile Detention Center, as well as provide services for mental health clients.

Recruitment of qualified staff is a major problem. All California counties are competing for qualified personnel. There is a challenge in recruiting health positions; however, the public health nurse positions are fully staffed. Child Protective Services has one vacancy to date. The Lassen County Grand Jury inquired if all mental health positions were staffed according to education level. Mr. Mannel stated that this is not generally the case.

The Lassen County Grand Jury inquired as to the level of involvement with mental health workers at the Juvenile Detention Center. Mr. Mannel stated that there is currently one caseworker who works approximately 16 hours per week and one therapist who works one day per week. This information is contradictory to the information that was provided by the Chief Probation Officer, during a tour of the Juvenile Detention Center in November 2007. Youth,

who are currently on MediCal, can lose MediCal services while incarcerated. There is a need for LCMH to identify youth who need services and make an assessment so that after release from the Lassen County Juvenile Detention Center they can resume MediCal services again. As youth enter the Juvenile Detention Center, a local physician provides health care. Average length of stay for youth in the Juvenile Detention Center is 3 to 4 weeks.

A wrap around program seeks to partner with Social Services, Education, and Alcohol and Drug under a philosophy that children are treated with care. A written plan regarding a group home in Lassen County is in the works to keep youth locally at the lowest level possible. A written plan is in the final stages and when approved staff will be scheduled for training.

Recommendation: None.

Commendation: The Lassen County Grand Jury commends the Lassen County Probation Department and the Lassen County Mental Health Department for working together to develop a process that satisfies the mental health needs of the youth of Lassen County.

Response required: No.

[Back to Top](#)

LASSEN COUNTY JUVENILE DETENTION FACILITY

Reason for Inquiry: California Penal Code § 919(b) mandates that the Grand Jury “Inquire into the condition and management of all detention facilities within their county.”

Inquiry Procedures: The Grand Jury met with Letha Martin, Lassen County Chief Probation Officer; Joe Ritz, Lassen County Juvenile Detention Facility Superintendent; David Marcus, Lassen County Public Defender; and Ken Crandall, Lassen County Mental Health Director. The Grand Jury toured the Lassen County Juvenile Detention Facility (LCJDF) on November 27, 2007.

Background: The LCJDF is located at 1415 Chestnut Street in Susanville, in close proximity to the Lassen County Adult Detention Facility, the Community Day School and the PACE Program Office.

In June 2000 the original facility was upgraded to accommodate 50 juveniles, but due to budgetary restraints the facility currently houses only 20 juveniles, with no plans of increasing that number.

Findings: **Facility and Placements:** At the time of the Grand Jury's visit, the facility appeared clean and well organized. The staff was cooperative and responded to all questions asked by jury members.

The average length of stay for juveniles detained in the LCJDF is three to four weeks, but juveniles have been detained for as long as fifteen months.

Parents of detained juveniles residing in the LCJDF are charged as much as \$15.00 per day. The charge is based on the parent's income using a sliding scale. Plumas, Sierra, and Modoc Counties contract with Lassen County to house juveniles at the LCJDF. A per diem rate of \$110.00 for each 24-hour period is charged to those counties for each detained juvenile. A reimbursement charge is also collected for medical, psychological, and educational services. There are a limited number of out-of-county juveniles housed at the LCJDF.

Lassen County also contracts with Crystal Creek Juvenile Detention Facility, the Bar-O-Boys Ranch, and the Fouts Springs Youth Facility for placement of juveniles committed to camp. High-risk offenders are transferred and housed with the California Youth Authority at a cost of \$4,000 to \$6,000 per month.

Security: The LCJDF currently uses video cameras that are placed strategically around the facility to monitor activity. These cameras do not have the ability to record and are only used for monitoring. The LCJDF staff expressed a need for a recording system for the facility, as it would document incidents that occur and would greatly assist with the safety and security of the facility. The LCJDF staff is pursuing funding to upgrade their video system.

Staffing: The LCJDF has sixteen full time custodial positions; however, two to four are on-call custodial positions and four are supervisory positions. Currently all of these positions are filled and all required federal and state staffing guidelines are being met.

Information received from the LCJDF supervisory staff revealed that the LCJDF salaries are 25 to 30 percent less than those in Shasta County and that the LCJDF has an employee turnover rate of two to three years.

Currently the Lassen County Human Resources Office conducts recruitment of the LCJDF staff. The Lassen County Probation Department completes the background checks of all prospective staff members.

Training: All LCJDF staff members receive 20 hours of initial training on site and 170 hours of Core Training at an academy. Additionally, all employees receive a minimum of 36 hours of training per year.

Services Offered: The LCJDF is primarily a housing facility and provides limited rehabilitation programs and services to detained juveniles. The services offered include the following:

Life Skills Training: A weekly volunteer provides this training from Lassen County Career Network.

Education: The County Office of Education provides a teacher and an assistant who conducts daily classes on site. Individual educational programs are developed and followed for each student. The classroom was furnished as a public school classroom, computer workstations, desks, and bulletin board displaying student's projects.

The students in the education program receive transferable credits for completed classes.

Alcohol and Drug Programs: Lassen County Drug and Alcohol provides an Alcoholic Anonymous counselor and/or volunteer 16 to 20 hours per week.

Health and Dental Care: Medical care is provided daily through a county contract with Dr. Hal Meadows. Dr. Meadows also monitors psychological medications that have been prescribed by Dr. Green of Lassen County Mental Health.

Dental care is provided through a county contract with the Susanville Dental Group.

Detained juveniles are not eligible for any MediCal benefits. Lassen County must assume the financial responsibility for all medical and dental care services provided, with some funds recouped from the juvenile's parents or from other counties for housing out-of-county juveniles.

Mental Health: It was the opinion of the LCJDF staff that a majority of detained juveniles have mental health problems. Due to a lack of funding, only limited programs are available to meet this need.

At the time of the Grand Jury's visit, Lassen County did not provide ongoing professional mental health treatment or services for detained juveniles. The only mental health services provided were for immediate needs such as the threat of suicide. There is no guarantee that the mental health service would be provided by a professional through Lassen County Mental Health Services (LCMHS). No psychological evaluation of incoming detained juveniles is conducted.

Following the Grand Jury's visit, the LCMHS and Lassen County Probation Department met and began working together to develop and implement a mental health service schedule for juveniles detained at the LCJDF. The LCMHS is currently scheduling daily mental health services at the LCJDF for approximately one hour per day. Psychological evaluation of juveniles, even those that are court ordered, may take up to two weeks.

The LCJDF Staff continues to affirm a need for additional mental health services and a full counseling program. These services would assist in the rehabilitation process for detained juveniles and hopefully reduce the recidivism rate and the long-term financial costs to Lassen County.

Bridges Program: The Bridges Program is a Lassen County program providing “wrap around” services to families in need. A Bridges staff member provides 1 to 8 hours of counseling at the LCJDF per week, depending on the availability of Bridges staff.

Environmental Alternatives Group Home: A section of the LCJDF is being converted into a group home for a maximum of six juveniles. It will be operated by Environmental Alternatives, who will collect a fee of \$4,500 per month per juvenile. Operation of the group home will eliminate the need to send juveniles out of county for placement, resulting in cost savings for Lassen County. The group home is scheduled to open in September 2008.

Lassen County is paying for the conversion of this facility and will receive \$200 per month rent plus 80 percent of the increase in the cost of utilities.

The agreement with Environmental Alternatives Group Home was developed and approved by the previous Lassen County Chief Probation Officer and the Lassen County Board of Supervisors.

PACE Program: The PACE program serves as a day rehabilitation program. It is a cooperative alternative education program between the Lassen County Office of Education, the Lassen County Department of Health and Human Services, and the Lassen County Probation Department. The program provides educational services, life skills training, limited drug and alcohol counseling, and mental health counseling when requested. The PACE facilities are located across the street from the LCJDF.

Commendations: The Grand Jury commends the Lassen County Probation Department, the Lassen County Department of Mental Health, and the Lassen County Juvenile Detention Facility for initiating a program to improve mental health services for detained juveniles.

Recommendations: Security: The Grand Jury recommends that the Lassen County Juvenile Detention Facility staff continue to pursue every course available to secure additional funding for a video recording and monitoring system.

Mental Health Services: The Grand Jury recommends that the Lassen County Juvenile Detention Facility staff continue to pursue every course available to secure additional funding to provide essential mental health services to detained juveniles.

Response Required: No.

[Back to Top](#)

LASSEN COUNTY SHERIFF'S DEPARTMENT **CITIZEN PERSONNEL COMPLAINTS**

Reason for Inquiry: 1) Public Interest (2) Complaints received by the Grand Jury regarding the Sheriff's Departments complaint process.

Inquiry Procedures: At the Grand Jury's request, Sheriff Steve Warren appeared before the Grand Jury on November 1, 2007 and February 21, 2008. The Grand Jury visited the Sheriff's Office, met with Assistant Sheriff C. G. "Chip" Jackson, and reviewed the Sheriff's Department's citizen complaint investigation files. The Grand Jury took testimony from complainants. The Grand Jury also reviewed the Lassen County Sheriff's Policy and Procedure Manual regarding citizen complaints. The Grand Jury reviewed the California Penal Code and the California Government Code sections pertaining to citizen complaints.

Background: This year five written complaints were received from citizens of Lassen County. All of the complaints received alleged wrong doing either under the Sheriff's Department policy or state laws.

Citizen Complaint Procedures and Prevailing State Laws: California Penal Code, §832.5 and §832.7 govern the citizen complaints filed against peace officers. Section 832.5 requires that each agency or department that employs peace officers shall establish a procedure to investigate complaints by members of the public against peace officers.

Section 832.5 (d) (2) establishes the definition of "unfounded" as a result of an investigation of a peace officer. "Unfounded" means that the investigation clearly established that the allegation is not true. Section 832.5 (d) (3) defines, "exonerated" which means that the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy. Two additional findings are also established by law and are included in the Lassen County Sheriff's Department Manual of Policies and Procedures. This includes; "not sustained" when the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee. The last uniform standard finding; "sustained" when the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Penal Code §832.7 grants Grand Juries the right to receive copies of peace officer's personnel records and records maintained under §832.5. This section governs actions required by agencies

or departments. Among those are that the agency or department must release to the complaining party a copy of his or her own statements at the time the complaint is filed.

The Grand Jury could not find any exceptions to conducting an investigation within a timely manner. Even if a person is arrested, they have the right to file a complaint and have it investigated.

Findings: Lassen County Grand Jury took testimony and reviewed documents to determine the following findings:

- 1) Disregard for the Grand Jury's request for documents. Documents were not received in a timely manner, which created a delay in the Grand Jury's investigative process.

The Grand Jury requested documents from the Sheriff's Department which it was entitled to by State Law. The Sheriff's Office did not respond for two months. As a result of a second request the Grand Jury was granted access to the documents under close supervision at the Sheriff's Office.

- 2) There were no Citizen Complaint Forms available in the Lobby as required by the Sheriff's Office Policy and Procedures Manual.

The current internal process requires the citizen to go to the service window to obtain a form. A supervisor comes out and speaks with the citizen about his or her complaint and explains the complaint process. According to the Sheriff's Office, many complaints are dropped through this process. This internal process violates the Sheriff's Department's policy. The Grand Jury finds this process to be intimidating to the citizens of Lassen County.

- 3) Inconsistency in the complaint form's investigative process. Complaints were not fully investigated.

The Grand reviewed various complaints from the 2006 and 2007 complaint file. All the complaints reviewed were found to be very short investigations. None of the investigations included a statement from the deputy involved. The Grand Jury also found a lack of witness statements and complainant statements. The Sheriff's Office told us the complaint files we observed were the complete investigation into each citizen complaint.

The Grand Jury found the investigations into the complaints were poor and incomplete. The Sheriff's Office attributed the poor investigations to the work load in the Sheriff's Department.

- 4) There was a pattern of "unfounded" complaints. All the complaints for 2006 and 2007 were unfounded. Two complaints made in 2006 and two complaints in 2007 were listed as unfounded, but were never investigated.

The Citizen Complaint Log for the year 2006 showed that 11 citizens' complaints were filed. Two complaint investigations were not completed, one from June 6, 2006 and, November 15, 2006. One additional complaint was shown to be withdrawn by the citizen and closed out. All of the rest of the complaint investigations results showed all the complaints were "unfounded." One of the complaints alleged a felony violation and all of the rest alleged non-criminal violations. The complaint that was withdrawn by the citizen was not specific to the type of complaint it addressed.

The Complaint Log for the year 2007 listed 12 citizen complaints filed. One complaint was dropped by the citizen. Two complaint investigations were not completed; those were filed on October 1, 2007 and December 18, 2007. All of the complaints alleged non-criminal violations against the deputies. Eight of the investigations were completed and all of the investigation results showed the complaints were "unfounded."

The Sheriff's Office could not provide the Grand Jury with a reason why all the complaints were unfounded.

Recommendation: The Lassen County Grand Jury recommends that the Lassen County Sheriff's Department review its procedures associated with the Citizen Complaint process. The Sheriff's Department should follow their Manual of Policies and Procedures for Citizen Personnel Complaints. That addition to the Manual of Policies and Procedures for Citizen Personnel Complaints includes the information that law suits and arrest do not preclude the right to file a citizen complaint. The Grand Jury recommends the Sheriff's Department train a supervisor to conduct internal investigations.

Citizen Personnel Complaint Forms should be accessible in the lobby of the Sheriff's Office, as per the Sheriff's Office Manual of Policies and Procedures, and at other locations. We recommend the forms be available at all court offices.

The Grand Jury recommends that when statements relative to the investigations are taken by the Sheriff's Supervisor or Investigator they must be recorded either by writing or electronic device and reduced to a report. A copy of that statement must be furnished to the complainant (Penal Code §832.5). The Sheriff must take a more active role in the process and correspondence with the complainant and the letters of findings must be signed by the Sheriff. This is not the responsibility of employees.

The Grand Jury recommends that the Sheriff's Department complete the two pending investigations from 2006 and the two pending investigations from 2007. The two pending investigation from 2006 are beyond the one-year statute of limitation (Government Code §3304 (g)). In the best interest of the citizens of Lassen County they should be completed. One of the 2006 citizen complaints alleges a felony by a deputy, it must be completed. The Grand Jury recommends that the two outstanding complaints from 2007 be completed in a timely manner.

The 2007-2008 Grand Jury recommends that the 2008-2009 Grand Jury review the Sheriff's Office Citizen Personnel Complaint procedure for compliance with Penal Code § 832.5, 832.7, and Government Code § 3300-3304.

Response Required: Yes.

[Back to Top](#)

LASSEN MUNICIPAL UTILITIES DISTRICT **ISSUE I**

Reason for Inquiry: A complaint was received that a Lassen Municipal Utilities District (LMUD) contractor was paid by the LMUD to cut trees on private property outside of the LMUD area of coverage.

Inquiry Procedures: In an effort to preserve individual rights and to legally document testimony relating to a potential criminal act, the Grand Jury elected to enlist the services of the Lassen County District Attorney in the conduct of witness questioning. Various members of the LMUD board serving at the time of the incident, employees of LMUD, and individuals associated with the tree trimming contractor were questioned under oath where appropriate and their testimony recorded.

Background: The LMUD contracts with two tree trimming businesses to clear the LMUD transmission line right of ways and to minimize the fire threat associated with trees growing into power lines. The contracts between the LMUD and the tree trimming companies define a full day of work as 35 units, which equate to a number of trees of a certain size trimmed or removed, and for which the maximum agreed upon daily contracted rate can be paid. On the date in question, September 28, 2007, it was alleged that one of the tree trimming contractors received payment for a full day's work in Westwood inside the LMUD coverage area while at the same time being observed cutting a tree or trees at a residence in the Lake Almanor area outside of the LMUD coverage area.

Findings: It was confirmed through various sources that a day or two prior to the date in question, the individual responsible at the LMUD for directing the efforts of the tree trimming crews met the foreman of the trimming crew and told him that he had a friend who needed a tree removed from his property in the Lake Almanor area. He then drove the foreman to the property in question so that the work to be done could be pointed out. This was confirmed by the GPS tracking report generated by the equipment installed in the LMUD manager's company truck.

On September 28, 2007, a date for which payment for a full day's work was received by the tree trimming company, the crew did in fact reposition in the afternoon to the Lake Almanor property, not in the LMUD coverage area and began work removing the tree or trees. When asked how it was possible to work a full day for the LMUD and simultaneously be cutting trees several miles away on private property with the same crew, the explanation of the contractually agreed upon determination of a full day's work ensued.

The contractor and the LMUD reached agreement that a certain measure of work, in this case 35 units would equal the amount of effort required to get paid for a full day. If a crew cut half that much in a day, the company would get paid for a half day. Conversely, if the crew was able to cut 70 units in one day, the company would get paid for two days. The company was in the practice of billing for two unit days by listing work as having been done on two separate dates (i.e., June 1 and 2) even though the work was actually done on one day (June 1). This was a procedure that was agreed upon by the LMUD.

While the determination of what constitutes the appropriate measurement of work for which a contractor can get paid and an incentive method to cause contractors to work as rapidly as they safely can is very logical and cost effective, the method agreed upon for reporting work done essentially constitutes the filing of a false claim by the contractor and the payment of a false claim by the LMUD knowing full well that the claim information was not accurate. This does however, explain how a contractor can get paid for a full day's work at one location while simultaneously working at a second location.

It was determined that the contractor was paid \$700 by the property owner to remove the tree in question. The tree work was done at the end of September 2007 but the payment for the work done was not cashed until February 2008; over a month after this investigation was started. Given the fact that no copy of an invoice or bill could be produced, one could at the very least speculate as to the effectiveness of the accounting system used by the contractor.

The facts collected during this investigation point to questionable billing procedures and a lack of clear guidance on the part of the LMUD board concerning employee pressure on contractors to perform services which could be construed by the casual observer to constitute misuse of public funds, but are circumstantial enough to fail to support a clear finding of criminal misconduct.

Recommendations: 1. That the LMUD Board of Directors initiate a review of contractor billing and payment procedures to ensure that accurate information is submitted and validated prior to payments being made. Payment for increments of work is a valid method but billing for work done on a date other than when it was accomplished invite the charge of fraudulent billing.

2. That the LMUD Board of Directors review the policies and procedures in their organization to ensure that all employees understand LMUD is publicly funded and is therefore responsible to the public to avoid the appearance of favors to friends or conflict of interest.

3. That the LMUD Board of Directors institute a whistle blower type internal complaint system which protects employees who feel the need to report misconduct.

Response Required: Yes.

[Back to Top](#)

LASSEN MUNICIPAL UTILITIES DISTRICT **ISSUE II**

Reason for Inquiry: A complaint concerning Lassen Municipal Utilities District (LMUD) Board Member Jay Dow Jr.'s conflict of interest was received by the Grand Jury.

Inquiry Procedure: Review of public documents at public LMUD meetings where the proposal was discussed and voted upon.

Background: A member of the LMUD Board of Directors proposed a program whereby industrial/agricultural users of energy who wished to change from other types of energy use to electricity could pay for the routing of transmission lines to their property and recoup the cost of installing said transmission lines through the receipt of the LMUD energy at cost for three years. The LMUD has just gone through a turbulent period which resulted in the resignation of three board members and the termination of the LMUD General Manager. These actions were a result of public outrage of activities by the previous LMUD Board of Directors and General Manager that at the very least gave the appearance of catering to special and personal interests.

Findings: The LMUD Board of Directors did, in fact, entertain the motion to approve the proposed program described above. During the course of discussion, it was documented that the majority of the potential industrial/agricultural users of the proposed program were in fact properties owned and or operated by the LMUD board member who originally made the proposal. The potential for a conflict of interest surfaced and was discounted by the individual board member in question despite the irrefutable fact that the individual member stood to potentially gain financially should the board approve the implementation of the proposal. The LMUD Board of Directors ultimately defeated the motion 3 to 2 with the member in question and one other board member voting for the proposal. The board member with a potential or perceived financial interest in the outcome should not have had a part in the motion to approve such a proposal, and if another member had made the proposal, should have recused himself from participating in discussions and voting on the proposal.

Recommendation: 1. That the LMUD Board of Directors be aware of and make a conscious effort to avoid even the appearance of taking actions that would accrue benefit to members of the LMUD board or its management personnel. The LMUD has been granted the opportunity to serve its ratepayers in a fair and impartial manner.

2. That the LMUD Board of Directors schedule a training session to review the Brown Act provisions regarding the requirement to recuse oneself from participating in discussions or voting on proposals which could be construed to constitute a personal conflict of interest.

Response Required: Yes.

[Back to Top](#)

LASSEN MUNICIPAL UTILITIES DISTRICT **ISSUE III**

Reason for Inquiry: A complaint was received concerning the sealed bid disposal of Lassen Municipal Utilities District (LMUD) surplus property frequently being awarded to parties closely associated with the LMUD directors or the General Manager.

Inquiry Procedure: In an effort to preserve individual rights and to legally document testimony relating to a potential criminal act, the Grand Jury elected to enlist the services of the Lassen County District Attorney in the conduct of witness questioning. During the under oath testimony of the LMUD employees and persons associated with the LMUD business, the complaint was reported.

Background: The LMUD periodically disposes of “Surplus, Non-Convenient and Obsolete Tangible Personal Property”. According to the LMUD, the most recent policies and procedure for the identification and disposal of such property are detailed in RESOLUTION NO. 2005-14. In the course of investigating complaints against the LMUD, it was reported that the disposal of “surplus property” through a sealed bid process frequently was awarded to parties closely associated with the LMUD Directors or the General Manager. This report implied that sealed bids may have been prematurely opened by the LMUD personnel. Associates would then be notified of the amount of the highest submitted bid, providing them the opportunity to submit a slightly higher sealed winning bid.

Findings: A review was made of the LMUD RESOLUTION NO. 2005-14 “A Policy Regarding The Identification & Disposal of Surplus, Non-Convenient and Obsolete Tangible Personal Property” to determine possible violations of the LMUD policies and procedures. It was found that although there is a provision for selling surplus property by sealed bid, the Policy & Procedures did not prescribe any policy or procedure concerning the handling or security of the received sealed bids.

Recommendation: 1. That the LMUD Board of Directors review Resolution No. 2005-14 and revise it to include detailed procedures that take into account appropriate security of the disposal of

surplus property; specifically, to eliminate the possibility of any LMUD personnel influencing the identification and transfer of such property to designated parties.

2. That the policy and procedure for the disposal of surplus property by sealed bid include an independent, bonded, third party. This third party would receive, hold, and open all sealed bids in the presence of a minimum of two signatory witnesses. The results of the bidding would then be submitted by the third party to the appropriate LMUD officer for appropriate transfer of the property and its ownership.

3. That at the conclusion of the transfer, a “Surplus Property Process and Transfer Report” be submitted to the LMUD Board of Directors for a final review of policy and procedure compliance.

Response Required: Yes.

[Back to Top](#)

LASSEN MUNICIPAL UTILITIES DISTRICT **ISSUE IV**

Reason for Inquiry: Public interest.

Background: The Grand Jury requested a copy of the policy and procedure manual from the Lassen Municipal Utilities District (LMUD) business office. What was provided was a 4” binder, referred to as the Policy and Procedure Manual, containing approximately 800 pages of the LMUD Resolutions.

Findings: The LMUD business office has not been able to provide a collection of current documentation of the LMUD Resolutions with Policies and Procedures for review by the LMUD customers, or the Lassen County Grand Jury. The 800⁺ page manual was incomplete and was missing virtually all resolutions passed after 2005.

Recommendation: That the LMUD create a current, complete, consolidated policy and procedure manual.

Response Required: Yes.

[Back to Top](#)

SUSANVILLE POLICE DEPARTMENT

Reason for Inquiry: (1) Public Interest (2) Complaint received by the Grand Jury regarding the Susanville Police Department's complaint process (3) Complaint received alleging misconduct over a restraining order.

Inquiry Procedures: Members of the Grand Jury met with Chief of Police Jeff Atkinson and reviewed the complaint received by the Grand Jury. The Grand Jury reviewed the Susanville Police Department's procedure on Personnel Complaints and their response to the misconduct complaint.

Background: The Susanville Police Department (SPD) had received a complaint from the same source that made the complaint about the SPD to the Grand Jury. The Grand Jury questioned Chief Atkinson regarding the investigative process for this particular complaint. Per Police Chief Jeff Atkinson, the SPD investigated the issue fully, and obtained legal advice as to jurisdiction on restraining orders. The SPD provided the background to the complaint and the reason the Complaints were filed.

California Penal Code §832.5 and §832.7 govern the procedures for investigating Personnel Complaints against peace officers and the manner in which the complaints and investigations are administratively handled. These Penal Code Sections specify uniform findings for all agencies that hire peace officers to follow in the conclusion of the investigation into the personnel complaints.

Definitions:

Unfounded – when the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. (Complaints which are determined to be “frivolous” will fall within the classification of unfounded.)

Exonerated – when the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained – when the investigation discloses that there is insufficient evidence to sustain the complaint, therefore fully exonerating the employee.

Sustained – when the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Penal Code §832.7 (e) (1) requires that notification of the findings from the investigation be provided to the complainant within 30 days of completion of the investigation.

These procedures, as established by California Law, were instituted as a means to maintain checks and balances on Government Authority and ensure that citizens of this state had a uniform method to address possible wrong doing by peace officers.

Findings: Chief Atkinson addressed our concerns in a strong forthright manner and showed a very thorough knowledge of the Personnel Complaint Procedure section of the SPD Policy Manual. Chief Atkinson outlined their working procedures to ensure that complaints received were more than frivolous and that valid complaints were handled in an expeditious manner.

The Grand Jury found that the citizens of Lassen County could not obtain complaint forms in the lobby of the Susanville Police Department. Chief Atkinson told us that he does not have the forms available in the SPD lobby because they want to personally give out the forms and try to help the complainant understand the process and the consequences of filing false complaints. The question was asked if there is any interrogation or intimidation that takes place at this stage of the complaint process. Chief Atkinson stated that the SPD is careful to avoid the appearance of or use any intimidation. However, the Grand Jury believes that this process may be perceived as intimidating.

The SPD tries to expedite the investigations in a timely manner which includes keeping track of the time line and reminding the investigating officer to complete the investigation on time. Progress of the investigation is followed by SPD supervisors.

The SPD’s finished investigation file includes the complaint form, investigators’ statements, compelled statements from the involved officer (Government Code §3303), and witnesses’ statements. Completed investigations may contain three or four pages on a minor complaint to

many times that, depending on the number of witnesses or complexities of the investigation. The SPD makes an effort to contact all the witnesses to an incident.

In response to a question, Chief Atkinson said there is no exception to taking a personnel complaint from a person that was arrested or had filed a suit against the City. SPD officers were taking a Citizen Complaint Form to the Lassen County Adult Detention Facility to make sure an incarcerated individual had the opportunity to file a personnel complaint.

The SPD receives about seven personnel complaints a year with mixed outcomes. For last year, two complaints were sustained, one complaint was unfounded, and the rest of the complaints were exonerated or not sustained. The State of California Department of Justice requires that each year a report on personnel complaints be submitted and Chief Atkinson has complied with that requirement. He knew of no sanctions that could be used by the State if the report was not complete or inaccurate.

Commendation: The SPD acted in a very professional and expedient manner to address the complaint and went the extra mile to obtain Judicial Guidance for a proper response and conclusion.

Chief Atkinson is commended for his knowledge of the Personnel Complaint Procedure within the City of Susanville Police Department SOP Manual and for the very serious, conscientious effort he is following to address personnel complaints in a timely and fair manner.

Recommendation: Citizen Complaint Forms should be visible in the lobby of the Susanville Police Department and local court lobbies, or other government offices, such as the City of Susanville Business Office.

Susanville Police Officer's first contact with a complainant and the subsequent taking of the first investigation statement from the complainant needs to be documented in a report. A copy of that statement is required to be given to the complainant by the California Penal Code. This procedure should prove sufficient to weed out false and frivolous complaints.

Response Required: No.

[Back to Top](#)

VIDEO AND AUDIO RECORDING DEVICES

Reason for Inquiry: The Grand Jury attempted to investigate various complaints in which one party's story of events contrasted notably from another parties' story of the same event. In such cases it is quite difficult to accurately determine what truly occurred. A few of such complaints alleged serious conflict between citizens and local law enforcement personnel. The Grand Jury also received allegations that juveniles housed in the Lassen County Juvenile Detention Facility were physically abused by staff. The Grand Jury was unable to obtain video evidence of the events it was investigating. Lack of video evidence resulted in inconclusive investigations. The question remains unanswered whether citizens are filing false reports or our public safety employees are abusing citizens.

The Grand Jury was surprised and curious why there was no video evidence available. We decided to investigate.

Inquiry Procedures: The Grand Jury toured the Lassen County Adult Detention Facility and the Juvenile Detention Facility, and interviewed the people named below and others.

Findings: Lassen County Juvenile Detention Facility: Letha Martin and Joe Ritz of the JDF

were also kind enough to appear before the Grand Jury. The Jury learned that the JDF has 6 or 7 cameras that are monitored by staff. However, the cameras do not have the capability to record. If staff is not watching, the events are not even seen.

Mr. Ritz thought it would be beneficial to record from the cameras, but stated that he did not have available funds to invest in the recording equipment.

The Grand Jury agrees that recordings should be made. A search on the internet indicated that prices for recorders that can record eight cameras start at less than one thousand dollars. The expense does not appear to be prohibitive.

Members of the Grand Jury toured the ADF and interviewed Lassen County Sheriff Steve Warren. Sheriff Warren requested that the Grand Jury not disclose facts concerning video monitoring at the ADF for security reasons. The Grand Jury honors Sheriff Warren's request and finds good cause not to publish a report on this matter.

Lassen County District Attorney's Purchase of Cameras for Patrol Vehicles: The Grand Jury interviewed Lassen County District Attorney Bob Burns. Questions were asked about the lack of cameras and video recording devices in the city and county public safety officers' patrol vehicles.

Mr. Burns stated that he is the trustee in charge of allocating funds raised by license fees. In 1998 he offered to buy and install video recording devices in five of the Lassen County Sheriff Office's patrol vehicles, and five of the City of Susanville's patrol vehicles. Both the Sheriff's Office and Susanville Police Department accepted Mr. Burn's offer. Mr. Burns had dash mounted cameras and VHS recorders installed in the vehicles at a cost of \$40,000. The sophisticated cameras had the capability of being removed from the car and used to film outside the cars, most notably to film crime scene and other evidence.

Mr. Burns stated that the cameras are not in use today. He felt that the evidence such videos could provide would improve the effectiveness of his office in prosecuting crimes as well as assisting the public safety officers in writing reports.

Lassen County Sheriff Patrol Vehicles: Sheriff Steve Warren was asked about the cameras on his patrol vehicles. He stated that the cameras did not function well and were not reliable because of the many miles of rough dusty gravel roads his deputies had to drive on in Lassen County. District Attorney Bob Burn's purchase was a one time capital outlay and no funds were available for maintenance or replacement. Without maintenance, the cameras fell into disrepair and did not work well.

When asked if he felt the cameras would be beneficial, Sheriff Warren replied that if he had money for the cameras, he felt it would be better spent on hiring one or two more deputies. Sheriff Warren did not feel that the cameras would be beneficial even though his deputies are

often alone in remote areas dealing with multiple persons and back up may take a long time to respond. Mr. Warren stated that he also thought it would better serve the citizens of Lassen County if every deputy was issued a patrol vehicle that they could take home.

Sheriff Warren pointed out that his deputies are issued digital audio recorders. It is not mandatory that a deputy use the recorder. Some deputies use these recorders, some do not. If the recorders are used, there is no requirement the recordings be kept.

C. G. “Chip” Jackson, Office of Emergency Services: Mr. Jackson stated that when he worked at the Sheriff’s Office, he frequently sent the cameras out to have them repaired, but did not explain why they needed the repairs.

John Mineau, Lassen Adult Detention Facility Commander: Commander Mineau was asked about the dash cameras. He stated that they were unreliable.

Jeff Atkinson, City of Susanville Chief of Police: Chief Atkinson appeared before the Grand Jury. He supports the idea of putting video cameras in the patrol vehicles and when he was the Interim Police Chief he wrote a staff report requesting in car video systems for the eight vehicle fleet. The estimated cost was \$40,000. When he took over as Police Chief there was only \$30,000 in the budget, which meant there was no money available for the video equipment. His budget is currently \$78,000, but he must use this money to purchase new vehicles and pay for maintenance. His annual maintenance cost alone is about \$20,000. Chief Atkinson would like the funding to install, maintain, and repair cameras.

Chief Atkinson is acting to improve the report writing in his department. He stated that the police academy teaches new officers about report writing. In addition, he has sent employees up to Lassen Community College to take classes in an effort to improve their writing skills.

Lassen County Public Defender David Marcus: The Grand Jury interviewed Lassen County Public Defender David Marcus. Mr. Marcus stated that his office represents nearly all of the indigent persons who are charged with crimes in Lassen County. He was asked to comment on the pros and cons of video cameras on patrol vehicles. Mr. Marcus believed it would be beneficial to have the video evidence that cameras on patrol vehicles could provide and would like to see them used. He believed the ability to review the videos would improve the quality of the reports written by public safety officers and increase their level of professionalism.

Other Statements: The Grand Jury received the following insights in testimony from multiple reliable sources:

- 1) The public safety officer in the patrol car did not have access to the locked compartment that housed the recording equipment. Those keys were held by Sergeants, who were responsible for changing the VHS tapes at the beginning or end of the shifts. The tapes frequently did not get changed, causing the equipment to be unable to record.

- 2) In forming our opinion the Grand Jury also considered the results of its own investigation into the complaint procedures against public safety officers wherein we found the procedures of the Lassen County Sheriff's Office to be inadequate.
- 3) We received no testimony about warranty repairs or attempts to contact the vendor or manufacturer of the cameras about problems.

Conclusion: The Grand Jury is not convinced by the evidence that the cameras would not work in the patrol vehicles because of dust and rough roads. Cameras are used in so many diverse and hostile environments that there must be some that would function in Lassen County. One can hardly turn on the television without seeing films of events captured by cameras mounted in patrol vehicles in the humid south, dry and dusty Texas, as well as those used by our military and our media in Iraq, Afghanistan, and other combat zones around the world. Furthermore, the same patrol vehicles in our community are equipped with numerous other electronic devices, such as radios, scanners, and all the complicated electronics in modern vehicles. Many public safety officers carry audio recorders, cell phones, firearms, and tasers, which seem to work satisfactorily.

The Lassen County Grand Jury unanimously believes that it would be beneficial to the citizens of Lassen County and the City of Susanville for all public safety vehicles and all detention facilities to have video and audio recording equipment so the actions of all parties present can be subject to review.

We believe that the installation and use of such video and audio recording equipment would:

- 1) Enhance officer safety
- 2) Enhance public safety
- 3) Improve agency accountability
- 4) Improve community confidence
- 5) Reduce agency liability
- 6) Enhance training by accurate review of procedures
- 7) Enhance officer performance and professionalism
- 8) Streamline incident review
- 9) Improve prosecution
- 10) Save money based upon the above benefits.

Commendations: The Lassen County Grand Jury commends District Attorney Bob Burns for

his foresight and devotion to the Lassen County citizens shown by his decision to supply video cameras to the two law enforcement agencies.

We commend Susanville Police Chief Jeff Atkinson on his efforts to improve the professionalism of his staff and to procure cameras for his fleet of vehicles.

Commendations also are deserved by all who took time out of their busy schedules to support their community by appearing before the Grand Jury in this matter.

Recommendations: 1. Install video cameras and recorders on all public safety patrol vehicles and in all detention facilities in the City and County.

2. Make use of the cameras mandatory.

3. Properly maintain the equipment to keep it functioning reliably.

4. Establish and enforce proper procedures for care and use of the equipment and evidence.

5. The Grand Jury suggests that the Susanville Police Department and the Lassen County Sheriff's Department approach District Attorney Burns to see if he can assist in funding the purchase of the video cameras for patrol vehicles.

Response Required: Yes.

Lassen County Juvenile Detention Facility

Lassen County Sheriff's Office

City of Susanville Police Department

[Back to Top](#)